

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL HUFTILE,

Plaintiff,

No. CIV S-03-1522 FCD DAD P

vs.

L.C. MICCIO-FONSECA,

Defendant.

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis. Upon remand from the Court of Appeals, this action is proceeding solely on plaintiff's claim for injunctive as set forth in plaintiff's complaint, filed on July 17, 2003. By this order, plaintiff will be ordered to submit the necessary documents for service on defendant Miccio-Fonseca.

Accordingly, IT IS HEREBY ORDERED that:

1. Service is appropriate for defendant L.C. Miccio-Fonseca.
2. The Clerk of the Court shall send plaintiff one USM-285 form, one summons, an instruction sheet and a copy of the complaint filed July 17, 2003.
3. Within thirty days from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the following documents to the court:

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- a. The completed Notice of Submission of Documents;
- b. One completed summons;
- c. One completed USM-285 form for defendant Miccio-Fonseca; and
- d. Two copies of the endorsed complaint filed July 17, 2003.

4. Plaintiff need not attempt service on defendant and need not request waiver of service. Upon receipt of the above-described documents, the court will direct the United States Marshal to serve the above-named defendant pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

DATED: April 20, 2006.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:4
huft1522.1

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NOTICE OF SUBMISSION
OF DOCUMENTS

_____/

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

_____ completed summons form

_____ completed USM-285 forms

_____ copies of the _____

Complaint/Amended Complaint

DATED:

Plaintiff